

App. No. 09/628,839  
Amendment dated July 30, 2004  
Reply to Office action of May 20, 2004

### REMARKS

The Office Action of May 20, 2004 has been carefully considered. Claims 1-65 were pending in the application before submission of this paper. Claims 1, 9, 11, 13, 14, 16-20, 24-28, 33-39, 41, 43, 44, and 46 have been amended. Claims 15, 21, 42 and 51-65 are cancelled. No new matter has been added. Claims 1-14, 16-20, 22-41, and 43-50 are now pending in this application. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the following remarks.

Claims 1-13, 28-32, 38, 41, 42, 50, 57, 60, and 63 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 19, 20, 22-26, 33, 35, 37, and 43-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,815,720 issued to *Buzbee*. Claims 1, 8, and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,822,588 issued to *Sterling et al.* in view of U.S. Patent No. 6,353,925 issued to *Stata et al.* Claims 4-6, 11, 29, 30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sterling et al.* in view of *Stata et al.* and further in view of "Compilers: Principles, Techniques, and Tools" by *Aho* and U.S. Patent No. 5,950,003 issued to *Kaneshiro et al.* Claims 7, 10, 13, 28, 31, 38, 41, 42, 49, 50, 60, and 63 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Sterling et al.* in view of *Stata et al.* and further in view of *Kaneshiro et al.* Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sterling et al.* in view of *Stata et al.* and further in view of *Aho*, *Kaneshiro et al.*, and U.S. Patent No. 5,815,714 issued to *Shridhar*. Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaneshiro et al.* in view of *Sterling et al.* Claims 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kaneshiro et al.* in view of *Sterling et al.* and further in view of *Aho*. Claims 21, 27, 34, 36, and 51-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Buzbee* in view of *Kaneshiro et al.* Claims 58, 59, 61, 62, 64, and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Buzbee* in view of *Sterling et al.* Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sterling et al.* in view of *Kaneshiro et al.*

App. No. 09/628,839  
Amendment dated July 30, 2004  
Reply to Office action of May 20, 2004

**A. 35 U.S.C. § 112 Claim Rejections**

Claims 1-13, 28-32, 38, 41-42, 50, 57, 60, and 63 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action states that "analyzing the computer program with the annotation information before the source code is compiled" (as recited in Claim 1 before amendment) lacks enablement. Applicant has amended Claims 1, 14, 19, 24, 28, 33, 35, 38, 43, and 46 to remove this limitation from the claims.

The Office Action further states that "the annotation information remains with the source code during execution of the computer program" (as recited in Claim 41 before amendment) lacks enablement. Applicant has amended Claims 39 and 41, and cancelled Claims 57-65 to remove this limitation from the claims. Thus, the rejection under 35 U.S.C. § 112 is overcome.

**B. 35 U.S.C. § 102 Claim Rejections**

Claims 19, 20, 22-26, 33, 35, 37, and 43-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Buzbee*. Applicant respectfully disagrees.

Claim 19, as amended, recites "compiling the executable computer program, wherein the annotation information corresponds to the portions of the executable computer program that are associated with the portion of the source code that the annotation information annotates..."

*Buzbee* does not teach the limitations recited in Applicant's Claim 19. *Buzbee* teaches compiling source code to produce a first object code for an application. The first object code is dynamically translated to produce a second object code. The second object code includes profiling code which, when executed, produces profile information. The source code for the application is then recompiled using the profile information to produce an optimized object code.

*Buzbee* does not teach "generating annotation information that annotates a portion of source code associated with an executable computer program; compiling the executable computer program, wherein the annotation information corresponds to the portions of the executable computer program that are associated with the portion of the source code that the annotation information annotates." Thus, Applicant's Claim 19, as amended, is proposed to be allowable, and notice to that effect is solicited.

App. No. 09/628,839  
Amendment dated July 30, 2004  
Reply to Office action of May 20, 2004

Claims 24, 33, 35, 43 and 46, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 19. As discussed above, Claim 19 is proposed to be allowable. Thus, Claims 24, 33, 35, 43 and 46 are allowable for at least the same reasons that Claim 19 is allowable, and notice to that effect is solicited.

Dependent Claims 20, 22, 23, 25, 26, 27, 34, 36, 37, 44, 45, 47 and 48 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited. For at least the above reasons, Applicant respectfully submits that the § 102(b) rejection of Claims 19, 20, 22-27, 33-37, and 43-48 is improper, and respectfully requests reconsideration and withdrawal of the rejection.

#### C. 35 U.S.C. § 103 Claim Rejections

Claims 1, 4-8, 10-18, 21, 27-32, 34, 36, 38-42, and 49-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over combinations of *Sterling et al.*, *Stata et al.*, *Aho*, *Kaneshiro et al.*, *Shridhar*, and *Buzbee*. Applicant respectfully disagrees.

Claim 1, as amended, recites "generating annotation information from the intermediate language code, wherein the annotation information corresponds to the parsed portion of the source code that the annotation representation annotates."

Neither *Sterling et al.*, *Stata et al.*, *Aho*, *Kaneshiro et al.*, *Shridhar*, *Buzbee* nor any combination thereof teach the limitations recited in Applicant's Claim 1. *Sterling et al.* teaches compiling annotated source code. *Stata et al.* teaches utilizing annotations in source code before the code is compiled. *Aho* teaches a symbol table for keeping track of a variety of arguments of a procedure. *Kaneshiro et al.* teaches inserting profiling instrumentation codes during compilation, instrumenting sequential codes to be profiled using calls to profile library subroutines, and obtaining and collecting profile data during execution of a program to grasp program behavior. *Shridhar* teaches generating debug information using command line options. *Buzbee* teaches compiling source code as described above in reference to Claim 19.

Neither *Sterling et al.*, *Stata et al.*, *Aho*, *Kaneshiro et al.*, *Shridhar*, *Buzbee* nor any combination thereof teach "generating annotation information from the intermediate language code, wherein the annotation information corresponds to the parsed portion of the source code

App. No. 09/628,839  
Amendment dated July 30, 2004  
Reply to Office action of May 20, 2004

that the annotation representation annotates." Thus, Applicant's Claim 1, as amended, is proposed to be allowable, and notice to that effect is solicited.

Claims 14, 28, 38, 39, and 41, as amended, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 1. As discussed above, Claim 1 is proposed to be allowable. Thus, Claims 14, 28, 38, 39, and 41 are allowable for at least the same reasons that Claim 1 is allowable, and notice to that effect is solicited.

Dependent Claims 2-13, 16-18, 29-32, 49, and 50 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited. For at least the above reasons, Applicant respectfully submits that the § 103(a) rejection of Claims 1, 4-8, 10-18, 21, 27-32, 34, 36, 38-42, 49 and 50 is improper, and respectfully requests reconsideration and withdrawal of the rejections.


App. No. 09/628,839  
Amendment dated July 30, 2004  
Reply to Office action of May 20, 2004

### CONCLUSION

Applicant has considered the references cited by the Examiner in the Office Action. None of these references appear to affect the patentability of Applicant's claims as amended. By the foregoing amendments and remarks, Applicant believes that all pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

  
Timothy P. Sullivan  
Registration No. 47,981  
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
206.342.6200  
JJF/ab

